



NUCLEAR WASTE POLICY AMENDMENTS ACT OF 2008

SECTION BY SECTION

SECTION 1. TABLE OF CONTENTS.

SECTION 2. FINDINGS AND PURPOSES.

SECTION 3. DEFINITIONS.

SECTION 101. APPLICATIONS.

This section reforms the current licensing framework to incorporate a phased licensing approach. The first phase is a 300-year operations phase where waste is emplaced but retrievable, the repository's performance is actively monitored, and improvements are incorporated through a license amendment process at least every fifty years based on knowledge gained and technological innovations. The second phase is repository closure where the Commission's approval to permanently close the repository would be conditioned on compliance with the EPA's radiation standard.

SECTION 102. APPLICATION PROCEDURES; INFRASTRUCTURE ACTIVITIES.

This section establishes a deadline for the Secretary to file the construction authorization application by June 30, 2008. The Commission's decision to authorize construction of the repository is based on the evaluation of whether the repository can be safely operated for 300 years. If the Commission authorizes repository construction, the Secretary is directed to file a license amendment to begin receiving spent nuclear fuel and high-level waste within 90 days. The Commission is directed to issue a decision on the amendment within two years. The Secretary is allowed to conduct non-nuclear infrastructure activities to prepare for construction prior to the Commission's authorization of construction without prejudicing the Commission's decision. The statutory 70,000 MTU capacity limitation is eliminated.

SECTION 103. CONNECTED ACTIONS.

This section provides clarification that the Commission need not consider the construction or operation of a rail line for transporting spent nuclear fuel and high-level waste to the repository.

SECTION 104. WASTE CONFIDENCE.

This section clarifies that the Secretary's obligation to dispose of spent nuclear fuel and high-level waste is sufficient to support Commission findings that spent nuclear fuel and high-level waste will be disposed of safely and in a timely manner for the purposes of nuclear plant licensing decisions.

SECTION 105. DEFINITION OF HIGH-LEVEL WASTE.

This section modifies the definition of high-level waste to include waste that exceeds the Class C category of low-level waste, commonly referred to as "Greater Than Class C" waste. The Commission currently requires disposal of this waste in a repository.

SECTION 201. AIR QUALITY PERMITS.

This section establishes the EPA as the permitting agency for air permits related to the repository.

SECTION 202. EXPEDITED AUTHORIZATIONS.

This section expands the Nuclear Waste Policy Act requirement directing Federal agencies and officers to expedite authorizations necessary for the repository and report to Congress in the event of a failure to grant an authorization.

SECTION 203. APPLICABILITY OF LAW TO CERTAIN MATERIALS.

This section establishes a Solid Waste Disposal Act exemption for materials transported or stored in accordance with Commission regulations.

SECTION 204. AUTHORITY FOR NEW STANDARD CONTRACTS.

The Nuclear Waste Policy Act contracting requirement is updated in order to enable new nuclear plant applicants to sign contracts with the Secretary for the disposal of spent nuclear fuel and high-level waste from new plants. Such contracts are required before receiving a license from the Commission. The Secretary must begin taking title, transporting, and disposing of spent fuel and high-level waste from new plants within 35 years of the plant commencing operations. The nuclear waste fee is limited to one mil per kilowatt-hour.

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